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**ON PETITION**

In re Application of  
Tong  
Application No. 09/396,715  
Filed: September 15, 1999  
Attorney Docket No. 5619-NEEC

This is a decision on the petition under 37 CFR 1.137(b), filed February 12, 2001, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 20, 2000, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 21, 2000.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S. 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$890 extension of time submitted with the petition on February 12, 2001 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded by U.S. Treasury Check in due course.

The application file is being forwarded to Technology Center 1700.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

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for Patent Examination Policy